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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5 JEROME TALLEY,

6 Petitioner(s),

7 v.

8 KATHY VAN OLST,

9 Respondent(s).

NO. C08-1758MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

10 The above-entitled Court, having received and reviewed:

- 11 1. Magistrate Judge's Report and Recommendation (Dkt. No. 4)
12 2. Petitioner's Objections to Factual and Verbal Imprecision; Omission and Irrelevancy;
13 Ambiguity and Imprecise Wording of the Report and Recommendation (Dkt. No. 7)

14 and all attached exhibits and declarations, makes the following ruling:

15 IT IS ORDERED that the Court ADOPTS the Report and Recommendation and orders that
16 this action be DISMISSED without prejudice to refile after state criminal proceedings (including
17 appeal) are completed.

18 IT IS FURTHER ORDERED that Petitioner's application to proceed *in forma pauperis* is
19 DENIED as moot.

20 **Discussion**

21 To the extent that it can be comprehended from his vaguely worded petition, it appears that
22 Petitioner is a pretrial detainee objecting to unspecified violations of due process in the determination
23 of his bail. As the Magistrate Judge pointed out in his Report and Recommendation, federal courts
24 will not intervene in pre-sentence detention matters in state criminal proceedings unless a petitioner

1 can demonstrate (1) exhaustion of available state judicial remedies and (2) “special circumstances” that
2 warrant federal intervention. Carden v. Montana, 626 F.2d 82, 83-84 (9th Cir. 1980).

3 Plaintiff’s petition provides neither of those. His objections to the Magistrate’s findings go no
4 further in supplying the necessary factual and legal predicates – they are a rambling collection of
5 ambiguous, non-specific assertions about “due process” and verbal imprecision which do nothing to
6 address the substantive and procedural inadequacies in his pleadings. As long as Petitioner’s state
7 criminal proceedings remain ongoing, he will need to demonstrate that he has exhausted all available
8 state avenues before seeking relief from the federal courts.

9 **Conclusion**

10 Absent any showing by Petitioner of exhaustion of state remedies or “special circumstances”
11 requiring federal intervention, this Court will order his petition DISMISSED without prejudice to
12 refiling after state criminal proceedings (including appeal) are finished. This dismissal renders his
13 application to proceed *in forma pauperis* moot, and it will be denied.

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15 The clerk is directed to provide copies of this order to all counsel of record.

16 Dated: February __18__, 2009

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19 Marsha J. Pechman
20 U.S. District Judge
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